

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

IN RE:	§	BANKRUPTCY CASE NO.
	§	
RAYMOND ROBERT DERR, JR.,	§	04-70644
	§	
DEBTOR.	§	CHAPTER 13

**DEBTOR'S OBJECTION TO EXPEDITED MOTION TO SHORTEN B R 2002 NOTICE
ON NATIONWIDE SERVICES, INC.'S MOTION TO DISMISS CHAPTER 13 CASE
WITH PREJUDICE**

COMES NOW RAYMOND ROBERT DERR, JR., Debtor, files this his Objection to expedited Motion to Shorten BR 2002 Notice on Nationwide Services, Inc.'s Motion to Dismiss Chapter 13 Case With Prejudice , and in support thereof, would respectfully show:

1. Debtor denies the allegations contained in paragraph 1 of Expedited Motion to Shorten BR 2002 Notice on Nationwide Services, Inc.'s Motion to Dismiss Chapter 13 Case With Prejudice ("Movant's Motion").

2. Debtor would show that the underlying motion and the request for expedited hearing are **FRIVOLOUS AND WITHOUT MERIT.**

3. Debtor would show that the instant bankruptcy was filed on July 19, 2004. Movant's Motion to Dismiss Chapter 13 Case was filed on the grounds that Debtor has allegedly violated bankruptcy rules and regulations. **MOVANT'S MOTION WAS FILED ON THE NINTH DAY AFTER THE FILING OF THE PETITION.**

4. Debtor would show that on or about June 28, 2004, which is the sixth business day since the case was filed, the following events occurred:

(A) A Statement of Financial Affairs and Amended Statement of Financial Affairs was filed.

(B) A Summary of Schedules And Schedules A-J were filed.

(C) A Chapter 13 Plan was filed.

(D) A Disclosure of Compensation of Attorney For Debtor was filed.

(E) A facsimile transmitting credit card authorization for payment of the filing fee was transmitted to the clerk's office.

(F) A Declaration for Electronic Filing and Statement of Social Security Number was placed into the registry of the U.S. Postal Service addressed postage prepaid to the United States Bankruptcy Clerk, 1133 North Shoreline, F2, Corpus Christi TX 78401.

5. Debtor would show that shortly after midnight on July 29, 2004, the Debtor's Master Service List was filed.

6. Debtor has filed schedules, statement of financial affairs, and a plan before they were due. At the time Movant filed its motion, the schedules, statement of financial affairs, and plan were not yet due.

7. MOVANT'S MOTION IS FRIVOLOUS AND EXPEDITED HEARING SHOULD BE DENIED. Debtor should not be forced to pay for his counsel to travel to Brownsville on short notice to attend a hearing which has no merit.

8. Movant's frivolous motion to expedite states no valid legitimate basis why the motion should be considered on an expedited basis. Movant provides no affidavit to state why the matter is an emergency or why the matter should be considered on an emergency basis.

9. Setting the matter of an expedited basis violates the Debtor's right to adequate notice and due process of law as guaranteed by the 5th and 14th Amendments to the U.S. Constitution.

10. Both Debtor and his counsel reside in McAllen and wish to avoid wasting three hours of time traveling to Brownsville to attend a hearing on a motion that lacks merit.

WHEREFORE, PREMISES CONSIDERED, Debtor prays that the request for expedited hearing and the motion to dismiss with prejudice be DENIED.

Respectfully submitted,

/s/Kelly K. McKinnis

KELLY K. McKINNIS

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ATTORNEY FOR DEBTOR

CERTIFICATE OF SERVICE

I certify that on July 29, 2004, a true copy of this document was transmitted via electronic court mail to Trustee Cindy Boudloche, 555 N. Carancahua, Suite 600, Corpus Christi TX 78478, to Antonio Villeda, 5414 N. 10th, McAllen TX 78504, each via electronic court mail.

/s/Kelly K. McKinnis

Kelly K. McKinnis